IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 5627 of 1990

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

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PETLAD TEXTILE MILLS

Versus

REGIONAL TRANSPORT OFFICER

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Appearance:

MR BR GUPTA for Petitioner

MR MA BUKHARI for Respondent No. 1

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CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 29/06/2000

ORAL JUDGEMENT

#. This is a matter where against the impugned order, remedy of appeal is there. This remedy of appeal has not been availed of and only on this ground, this writ petition deserves to be dismissed. Otherwise also, the learned counsel for the petitioner submits that the

National Textile Corporation (Gujarat) Limited is declared Sick Industry. If that is so, then whatever defence is available to the petitioner against the motor vehicle tax recovery it can take as and when the respondent proceeds to recover the amount. However, it is made clear that if the petitioner files appeal within reasonable time, say within a period of one month from the date of receipt of writ of this order or certified copy thereof, it is expected of the authority not to dismiss the same on the ground of limitation.

#. In the result, this special civil application fails and the same is dismissed subject to aforesaid observations. Rule discharged. Interim relief, if any, earlier granted stands vacated. No order as to costs.

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(sunil)